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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
Attorney Docket No.: SI1-2625-U-C5

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee" mailing Label Number ER443876609 addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

*Rhonda Goodloe*  
Signature of Depositor  
Rhonda Goodloe  
Print Name of Depositor  
Date: December 2, 2003

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IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

Confirmation No.:	3734	)
Applicant:	EASTERBROOK, Eric T. ✓	)
Serial No.:	10/066,408	) Art Unit:
Filed:	January 30, 2002	) 3725
Title:	METHOD AND APPARATUS FOR IMPROVING THE FATIGUE LIFE OF COMPONENTS AND STRUCTURES	) Examiner:
		) CRANE, D.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321)

Identification of Person (s) Making This Disclaimer

I, R. REAMS GOODLOE, JR. ✓  
(names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor (applicant) of this invention.

- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee identified below.
- ☐ a statement under 37 CFR § 3.73(b) is attached.
- ☒ the attorney of record for this invention.

**Identity of Assignee and Title of Disclaimant**

The assignee is

Stresswave, Inc.  
(name of assignee)

M/S 528, 12932 - SE Kent Kangley Road, Kent, Washington 98031  
(address of assignee)

Executive Vice-President, Technology  
(title of disclaimant authorized to sign on behalf of assignee)

**Extent of Disclaimant's Interest**

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention
- ☐ a sectional interest in this invention as follows:

**Recordal of Assignment in PTO**

- ☒ The assignment was recorded on May 13, 2002 as Reel 012897 Frame: 0104.
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ a separate ☐ assignment (document) cover sheet **or** ☐ Form PTO 1595 is also attached.

**Establishing Right of Assignee to Take Action**

- ☐ Attached is a Statement Under 37 CFR § 3.73(b) establishing the right of the assignee to take action in this case.

**DISCLAIMER**

**Judicially Created Obviousness-Type Double Patenting  
Rejection Over a Prior Issued Patents**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,230,537 B1 issued May 15, 2001 (*U.S. Serial No.: 09/401,065 filed on September 22, 1999*) and U.S. Patent No. 6,389,865 issued May 21, 2002 (*U.S. Serial No.: 09/270,428 filed March 16, 1999*) as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-identified U.S. patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the patent forming the basis of the double patent rejection, namely U.S. Patent No. 6,230,537 issued May 15, 2001 and U.S. Patent No. 6,389,865 issued May 21, 2002, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**Disclaimer Fee**

☐ Other than a small entity -- \$110.00

☒ Small entity -- fee \$55.00

☐ Small entity statement attached

☐ Small entity statement filed in patent application  
\_\_\_\_\_ on \_\_\_\_\_.

- ☒ Applicant hereby asserts status as a small entity  
under 37 C.F.R. § 1.27.

**Fee Payment**

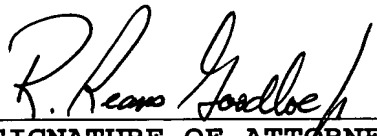
- ☒ Attached is a check in the sum of \$55.00.
- ☒ Charge account 07-1613 for any fee deficiency.
- ☐ Charge Deposit Account 07-1613 the sum of \$\_\_\_\_\_.  
A duplicate of this disclaimer is attached.

Date: December 2, 2003

Phone: 253-859-9128

Fax: 253-859-8915

Customer No. 20793

  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY

R. Reams Goodloe, Jr.  
Reg. No. 32,466

24722-104th Avenue, S.E.  
Suite 102  
Kent, Washington  
98030-5322